

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY L. BROWN,

Plaintiff,

No. CIV S-02-2645 GEB KJM P

vs.

D.L. RUNNELS, et al.,

Defendants.

ORDER

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Plaintiff is a California prisoner proceeding pro se with an action for violation of civil rights under 42 U.S.C. § 1983. On March 6, 2006, several defendants<sup>1</sup> filed a motion to dismiss. Based on a careful review of the motion, it appears that counsel for defendants did not review the court's May 19, 2005 screening order prior to bringing the motion. The motion will be denied without prejudice to defendants' filing, within twenty days, a response to plaintiff's second amended complaint that takes account of the court's screening order.

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<sup>1</sup> The motion to dismiss is brought by defendants Alameida, Alexander, Bainbridge, Blankenship, Brewer, Cole, Davey, Feliciano, Felker, Fiegenger, Harrison, Hibbits, Jackson, Johnson, Kopec, Leighton, Lucas, Lynn, Malfi, Martin, Norlin, Quiggle, Rianda, Rohlfing, Runnels, Surges, Weeks and Wright.

1 In accordance with the above, IT IS HEREBY ORDERED that:

2 1. Defendants' March 6, 2006 motion to dismiss is denied without prejudice; and

3 2. The defendants who brought the March 6, 2006 motion to dismiss shall file a  
4 response to plaintiff's second amended complaint within twenty days of this order.

5 DATED: March 28, 2007.

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8 U.S. MAGISTRATE JUDGE

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